

## UNITED STATES DISTRICT COURT

for the  
Eastern District of California**FILED****Dec 13, 2022**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIAIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Samsung tablet bearing assigned  
ATF Exhibit #314

Case No. 2:22-sw-0936 DB

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A-2.

located in the EASTERN District of CALIFORNIA, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 371	Conspiracy to Unlawful Deal in Firearms
18 U.S.C. § 922(a)(1)(A)	Unlawful Manufacturing and Dealing in Firearms
26 U.S.C. § 5861	Unlawful Possession of an Unregistered Firearm

The application is based on these facts:

See Affidavit of ATF Special Agent Jerry Donn

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

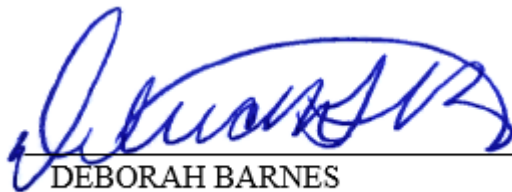
/S/

Applicant's signature

Jerry Donn, ATF Special Agent

Printed name and title

Sworn to before me telephonically.

Date: December 13, 2022City and state: Sacramento, California
  
 DEBORAH BARNES  
 UNITED STATES MAGISTRATE JUDGE

**AFFIDAVIT OF ATF SPECIAL AGENT JERRY DONN**

I, Jerry Donn, being duly sworn, hereby depose and state:

**PURPOSE**

1. This Affidavit is made in support of search warrants for:
  - a. A Samsung Galaxy S7 cell phone assigned ATF Exhibit #320 seized from Joshua Markanson, as further described in Attachment A-1.
  - b. A Samsung tablet bearing assigned ATF Exhibit #314 seized from Joshua Markanson, as further described in Attachment A-2

I believe there is probable cause to believe that the electronic devices described in Attachments A-1 and A-2 contain evidence of violations of 18 U.S.C. §§ 371, 922(a)(1)(A) (conspiracy to unlawfully sell firearms); 18 U.S.C. § 922(a)(1)(a) (unlawful manufacturing and dealing firearms) and 26 U.S.C. § 5861 (unlawful possession of unregistered firearms). The evidence to be seized is more fully described in Attachment B.

2. The United States previously applied for search warrants for the two above-described devices. 2:22-SW-0779-CKD; 2:22-SW-0780-CKD. Both warrants were returned as unexecuted because the United States was unable to execute the search warrants within the time limit required by the search warrants. Accordingly, the United States seeks renewed authority to search the two electronic devices described above.

**AGENT BACKGROUND**

3. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I have been an ATF Special Agent for twenty-one years. Prior to working for ATF, I was employed as a Deputy United States Marshal with the United States Marshals Service for four years. I have received training in federal firearms laws and regulations at the ATF National Academy and Federal Law Enforcement Criminal Investigator Training Program. I have investigated at least one hundred cases involving federal firearms violations, involving unlawful sales, possession, manufacturing, and transportation of firearms. I have participated in a variety of different aspects of those investigations, including surveillance, undercover operations to conduct controlled purchases

of firearms, interviewing suspects, and the execution of search and arrest warrants. I have been the affiant of numerous affidavits for search warrants relating to firearms offenses.

4. I am an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516.
5. Because this affidavit is submitted for the limited purpose of establishing probable cause for the requested search warrant, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause.
6. This affidavit is based upon my own personal knowledge but also the knowledge of other law enforcement officers involved in this investigation. Where I describe statements made by other people (including other special agents and law enforcement officers), the statements are described in sum, substance, and relevant part. Similarly, where I describe information contained in reports and other documents or records in this affidavit, this information is also described in sum, substance, and relevant part.

#### **STATEMENT OF PROBABLE CAUSE**

7. The following set of facts are based on my participation in the investigation of Joshua Markanson.

#### ***Donte Robins sold guns to an ATF undercover agent and informant.***

8. On November 13, 2017, in Sacramento, Donte Robins sold two unserialized Glock-type privately made firearms<sup>1</sup> (“PMF”) pistols to an undercover ATF Special Agent (“ATF UC”) for \$2,400. During this transaction, Robins told the ATF UC that Robins would take the ATF UC to Robins’s supplier to get customized AR-15-type rifles, silencers, and ballistic vests.
9. On November 15, 2017, in Manteca, Robins sold the ATF UC a Glock pistol for \$1,000. During this transaction, Robins and the ATF UC made plans to

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<sup>1</sup> “Privately made firearms” are firearms build, assembled, or otherwise manufactured by a person other than a licensed firearms manufacturer.

travel to Victorville, California to buy an assortment of customized rifles and pistols for \$13,000.

10. On November 17, 2017, in Victorville, Robins and Rayshawn Wray sold five Glock-type PMF pistols, two Colt 1911-type PMF pistols, three AR-15-type PMF pistols, one Century Arms pistol, and one ballistic vest. All of the firearms were contained within a cardboard box. The cardboard box had a packing slip affixed to the outside that was addressed to “1776 Supply Co, Joshua Markanson, 10779 Pepper Street, Adelanto, CA.” ATF agents reviewed the publicly available website for 1776 Supply Company and it identified Markanson as the President and CEO.
11. On November 20, 2017, in Manteca, Robins sold the ATF UC three unserialized Glock-type PMF pistols for \$3,500.
12. On November 27, 2017, in Manteca, Robins sold twelve firearms to a confidential informant working for ATF (“ATF CI”). All of the firearms were PMF guns without serial numbers.
13. On December 7, 2017, in Sacramento, Robins sold the ATF UC thirteen firearms and six firearm silencers for \$21,600. All of the firearms were PMF guns without serial numbers. During this transaction, the ATF UC asked if Robins’s source of gun supply (later identified as Markanson) would be able to manufacture 20 AR-15-style firearms. Robins said that his source would make them as requested.

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***Search Warrant executed at Markanson's residence.***

14. On December 14, 2017, law enforcement executed a state search warrant at Markanson's residence in Adelanto, California (less than 10 miles northwest of Victorville, California). Inside of Markanson's garage that functioned as his workshop, there were parts laid out for 20 AR-15-style guns that were consistent with the 20-gun order placed by the ATF UC.



15. During the search of Markanson's residence, agents seized a Samsung Galaxy cell phone (Attachment A-1) and a Samsung tablet (Attachment A-2). The cell phone and tablet were subsequently transported with all of the seized evidence to ATF's office in Sacramento. The cellular telephone and tablet have been in continuous ATF custody since they were seized. The cellular telephone and tablet have not been turned on since they were seized, accordingly, I believe that data on the devices currently is the same data that was on the devices at the time they were seized.

***Markanson, Robins, and Wray charged with unlawfully conspiracy to sell guns. Robins and Wray admit that Markanson was the firearms source of supply.***

16. On February 15, 2018, Markanson, Robins, Wray, and one other person were charged by superseding indictment with conspiracy to deal firearms without a license, in violation of 18 U.S.C. §§ 371, 922(a)(1)(A) and other charges.
17. On October 11, 2019, Rayshawn Wray pleaded guilty to conspiracy to deal firearms without a license. ECF 107, 2:18-CR-00024-TLN. As part of the factual basis for his guilty plea, Wray admitted that "co-defendant Joshua

Markanson was Robins' source of supply for the made-to-order firearms and silencers that Robins sold the ATF." ECF 107 at A-1.

18. On November 1, 2019, Donte Robins pleaded guilty to conspiracy to deal firearms without a license. ECF 117. As part of the factual basis for his guilty plea, Robins admitted that "Markanson served as Robins' source of supply for customized firearms at all times during this investigation." ECF 117 at A-2.

### **TRAINING AND EXPERIENCE**

19. Based on my experience and training and through consultation with experienced Special Agents and police officers, I believe that the items described in Attachment B constitute evidence of unlawful firearms trafficking and manufacturing. I know the following with respect to individuals who engage in criminal activity to obtain and sell firearms by illegal means:
20. They try to conceal their illegally obtained firearms by hiding them. For example, guns may be hidden under a bed, storage units, inside of a disabled vehicle, or in an attic or crawl space. Individuals illegally possessing firearms or illegally making or selling firearm try to conceal their illegal conduct to avoid discovery by law enforcement.
21. It has been my experience in the past that those engaged in criminal activity utilize cellular telephones and other electronic devices in the course of their criminal conduct. This includes coordinating with co-participants, buying firearms parts, maintaining contact with sources of supply for guns and gun parts, tracking shipments for packages both incoming and outgoing, and corresponding with customers.
- a. For example, in this case, toll records show that Robins communicated with Markanson via cellular telephone.
22. In my experience, firearm enthusiasts may take or cause to be taken, photographs or videos of themselves, their associates, their property, and their guns. Often these videos and photos are taken with cellular telephones or other electronic devices.

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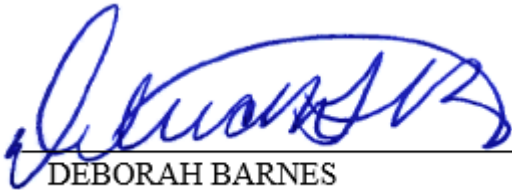
**CONCLUSION**

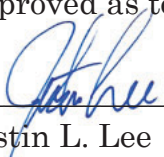
23. I hereby request that search warrants be issued for the locations described in Attachments A-1 and A-2 for the items set forth in Attachment B based upon the aforementioned facts.

I swear, under the penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_/S/  
JERRY DONN  
ATF Special Agent

Sworn and Subscribed to me telephonically  
on December 13, 2022,

  
\_\_\_\_\_  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE  
Approved as to form:

  
\_\_\_\_\_  
Justin L. Lee  
Assistant United States Attorney

**ATTACHMENT A-2**

***Location to be Searched***

**Samsung Tablet bearing serial number R52F90XHM7R assigned ATF Exhibit #314 and seized from Joshua Markanson's residence on December 14, 2017.**

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**ATTACHMENT B**

***Items to be Seized***

All items constituting the evidence, contraband, fruits, or instrumentalities of violations of 18 U.S.C. § 922(a)(1)(A) (Unlawful Dealing and Manufacturing in Firearms), 18 U.S.C. § 371 (Conspiracy to Unlawfully Manufacture and Deal in Firearm) and 26 U.S.C. § 5861 (Unlawful Possession of Unregistered Firearms), including, but not limited to, the following:

1. Communications related to the manufacture, purchase, sale, or possession of firearms and firearm parts.
  2. Photographs, audio recordings, and video recordings of firearms, firearm transactions, firearm parts, large sums of money and/or co-conspirators and paperwork showing the purchase, storage, disposition, or dominion and control over any firearms, firearm parts, ammunition, or any of the items described in Attachment B.
  3. Information related to the physical location of Joshua Markanson, including geolocation information stored in the cellular telephone.
  4. Records relating to the acquisition and distribution and manufacture of firearms, firearms parts, tools and/or equipment associated with firearms, including ATF Forms 4473, books, receipts, invoices, notes, bills of sale, ledgers, and pay/owe sheets.
  5. Evidence and records relating to the accumulation of proceeds derived from illegal firearms trafficking.
  6. Documentation evidencing the attendance at gun shows, including but not limited to ticket stubs, payments to gun shows, promotional materials and written and/or electronic correspondence with gun shows.
  7. Items documenting ownership, control, or association with 1776 Supply Company.
  8. Indicia of ownership or control over the cellular telephone identified in Attachment A-1 or the table identified in Attachment A-2.
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UNITED STATES DISTRICT COURT

for the  
Eastern District of California

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Samsung tablet bearing assigned  
ATF Exhibit #314

Case No. 2:22-sw-0936 DB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA  
(identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A-2.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SEE ATTACHMENT B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before December 26, 2022  
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

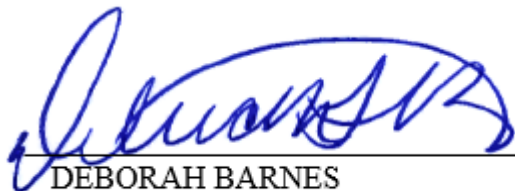
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge any duty magistrate judge.  
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: December 13, 2022 @ 2:11 p.m.

City and state: Sacramento, California

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

Subscribed, sworn to, and returned before me this date.

\_\_\_\_\_  
*Signature of Judge*\_\_\_\_\_  
*Date*